UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-cv-00400-BR

SUELLEN E. BEAULIEU, et al, **Plaintiffs** **v.** **EQ INDUSTRIAL SERVICES, INC., et al,** **Defendants.**	**This Document Relates To:** **ALL CASES**

AFFIDAVIT OF DANIEL T. BARKER, ESQ.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Before me the undersigned authority in and for said County and State, personally appeared Daniel T. Barker, Esq., who after being duly sworn, deposes and states as follows:

1. I make this affidavit Pursuant to the Federal Rules of Civil Procedure, Rule 23(a)(4) and Rule 23(e) in support of the Parties' Joint Motion for Preliminary Approval of Class Settlement, and for Certification of Settlement Classes and Other Related Matters ("Joint Motion"), based upon personal knowledge.

2. I am licensing practicing attorney in Raleigh, Wake County, North Carolina. I am the proposed *Guardian Ad Litem* for the above action for the purposes of representing the members of the putative Class who are minors and/or those who lack capacity.

3. I have been advised by the PMC of the terms and conditions of the proposed settlement with all Defendants in this case as set forth in the Preliminary Settlement Agreement ("PSA") and related

documents. I am aware that the proposed settlement will end this class action litigation once and for all including the claims of members of the putative Class who are minors or who lack capacity, and that all Defendants will be released of all liability for the October 5, 2006 fire at the EQIS facility in Apex, with the exception of potential personal injury claims.

4. The $7.85 million contributed by all Defendants to the common settlement fund is reasonable in my opinion. The net amount of compensation that heads of household will receive under this settlement, (approximately $750.00), is fair. The net amount of compensation that businesses will receive under the settlement, (approximately $2,200.00) is fair.

5. I am aware that the costs of administration, litigation expenses and attorney fees will be deducted from the common settlement fund. Given the significant effort and expense put forth by the PMC, I believe the requested payments are fair and reasonable.

6. I believe that given the uncertainty of litigation and the significant additional time and expense it would take to bring this case to a final judgment, that this settlement should be approved.

Further, Affiant sayeth not.

This the 19th day of March, 2009.

Daniel T. Barker, Esq.

Sworn to and subscribed before me this 19th day of March, 2009.

NOTARY PUBLIC

J. MICHAEL MALONE NOTARY PUBLIC WAKE COUNTY, N.C.

My Commission Expires: 9-10-11